

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

F.A.O. NO. 699 OF 1987

DATE OF DECISION: August 23, 2006

Parties Name	
Ram Bahadur and others	
	..APPELLANTS
VERSUS	
Kirpal Singh and others	
	...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASBIR SINGH

PRESENT: Mr. Salil Bali,
Advocate, for the appellants.

Mr. Inderjit Sharma, Advocate, for
Mr. Pardeep Bedi, Advocate, for the
respondent – Insurance Company.

JASBIR SINGH, J. (oral)

JUDGMENT:

This appeal has been filed by the appellants against the judgment dated November 4, 1986, passed by the Motor Accident Claims Tribunal, Karnal, (for short the Tribunal). Appellants No. 1 and 2 are the minor children of deceased Ganeshi Ram, while appellants No. 3 and 4 are his parents and appellant No. 5 is his widow. Ganeshi Ram, who was a Rickshaw-puller, died in a motor accident on October 8, 1985. Factum of accident and death of Ganeshi Ram in that accident are not in dispute. Counsel for the appellants has vehemently contended that the compensation awarded, i.e., Rs. 43,200/- is on the lower side. By referring to large family of the deceased and his income, it has been said that the Court below has

committed an error while fixing dependency of the family/ parents at Rs. 225/- only. To assess compensation, reliance has been placed upon judgment of the Supreme Court in U.P.State Road Transport Corporation and others v. Trilok Chandra and others, 1996 (2) Punjab Law Reporter 537, and it has been prayed that the compensation amount be enhanced.

Counsel for the respondent – Insurance Company states that the Tribunal has rightly assessed dependency of the claimants at Rs. 225/-. The deceased was a Rickshaw puller and was only earning Rs. 400/- per month and it can reasonably be expected that he might be spending around Rs. 175/- per month on himself.

After hearing counsel for the parties, this Court is of the view that the compensation assessed is on the lower side. Keeping in view the method for determination of compensation, as indicated by the Hon'ble Court in U.P.State Road Transport Corporation's case (Supra), which was also followed by a Division Bench of this Court in Shobha Rani v. P.S.E.B., 2005(1) Punjab Law Reporter 340, this Court is of the opinion that the compensation amount awarded, deserves to be enhanced. In the present case, family of the deceased consists of the deceased himself, his widow and two minor children and also his two old parents. As per ratio of the judgment of the Hon'ble Supreme Court, referred to above, two units each can be ear-marked for all adult members of the family and one unit each for the minor children of the deceased. In this manner, total number of units will come to 10. As per ratio of the judgment, two units can be reserved for the deceased, for spending that amount on himself. By deducting two units out of the income of Rs. 400/- of the deceased, the dependency of the family/ parents can be assessed at Rs. 320/- per month. Age of the deceased was 27/28 years. The Tribunal has applied the multiplier of 16, which is on

the lower side. In the present case, the multiplier of 18 is justified. By applying the multiplier, referred to above and dependency assessed, the appellants will be entitled to get an amount of Rs. 69,200/-. The Tribunal has granted interest at the rate of 12% per annum. However, keeping in view the prevalent rate of interest, the appellants shall be entitled to claim interest at the rate of 10% per annum on the compensation awarded from the date of moving their petition for grant of compensation till realization of the amount. Vehicle is insured. As such, it is ordered that the compensation amount shall be paid by the respondent – Insurance Company.

With above mentioned modification, this appeal is disposed of.

August 23, 2006.
DKC

(Jasbir Singh)
Judge